

# SINLESSE,

AND

SINFUL SWEARING.

O R. Twenty Six

# QUERIES

Propounded for satisfaction in the present  
*Controversie* of taking OATHS,  
Particularly the OATHS of *Supre-*  
*macy and Allegiance.*

Together

With a Copy of the form of submission, enjoyned in the  
*Statute* of the 35. of *Eliza.* called the punishment of persons  
obstinately refusing to come to Church, &c. With  
a Copy of the Oath of Abjuration. With a few  
short *Proposals* grounded thereupon.

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ECCLES. 7. v. 16.

Be not righteous overmuch, neither make thy self overwise.

v. 17. Be not overmuch wicked neither be thou foolish &c.

v. 18. He that feareth God shall come forth of them all.

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LONDON,

Printed in the year of our Lord, 1661.

To the Candid and Christian Reader.

Time being so precious, Books so plenty, Readers so Lazy, and other studies more necessary then Controversies; (though I judge this controversie at present weighty) Mov'd me to contract the substance of my own (and some of other Mens) thoughts in this short paper, (which I intended should have been comprehended in one sheet) to propound them rather by way of Proposals, then in a positive Peremptory manner: it being the most Inoffensive, and freest way for any Man to exercise his Mind upon. I have the rather at this time (at the request of a Dear Friend) Published this Paper, because, I understand that M<sup>r</sup>. J. T. and M<sup>r</sup>. P. N. have books ready to come out of the Presse upon this subject. And that they will gladly accept of any Objections or Scruples relating to the same.

Sin-





## Sinlesse and sinfull Swearing, &c.

Quer. 1.

**W**hether a lawfull Oath is not part of religious worship, commanded in the third Commandement, and to be taken only in Cases of necessity and in matters of weight and moment: which tend to the glory of God, the preservation of the life or property either of our Selves, or of our Neighbour, and the end of strife?

*Dent. 10. 20. Exod. 23. 7. Levit. 19. 12. Psal. 63. 11. Job. 2. 12. 1 Kings 8. 31. Exod. 22. 11. Heb. 6. 16.*

Qu. 2. Whether then an Oath (being part of Gods worship, and of the moral Law,) doth not continue in force in Gospel dayes to the ends above mentioned? and whether Christians may not without sin take a just Oath when they are lawfully called thereunto?

Q. 3. Whether from the following Considerations an Oath is not confirmed as an Ordinance of God as well in the time of the Gospel, as in the dayes of the Law? As,

1. There is strife in Gospel dayes as well as in the dayes of the Law (and was in the Apostles dayes even among the Christians and Church of Corinth, 1 Cor. 6. 11) And how must this strife be ended? The Apostle saith, *That an Oath is an end of all strife, Heb. 6. 16.* If any will Object, that the Apostle saith this is among carnal men, not among Saints: let him understand that *Men* in that place are distinguished from God and not from Saints. Let it also be considered, if one man should strike with another and kill him, how could the shedder of bloud be pur to death according to the law of God without an Oath? Or if a difference grows between two men where there are no witnesses, how is that difference to

As you find  
the like phrase  
Act 5. 4.  
Eph. 6. 7.  
Rev. 21. 3.

be ended, but by an Oath? *If it be said by witnessing without an Oath, I answer; that it doth clearly appear that such witnessing was by Oath, if you compare Numb. 35. 30. Deut. 17. 6. with Exod. 22. 11. 1 Kings 8. 31.*

The manner  
used in swear-  
ing, Gen. 14. 22.

2. From the practise of the Angel, *Who lifted up his hand to Heaven and swears, Rev. 10. 5, 6.* which Angel seems clearly to be Jesus Christ; for it is the same Angel which stood upon the sea, and upon the earth, v. 5. compared with v. 1. *who was clothed with a cloud, had a Rain-bow upon his head; whose Face was as the Sun, and Feet as pillars of Fire, and who had in his hand a little book; compare this with Cap. 1. 14. and the 5. 6 7. and then judge if it be not Christ.*

The like  
Job. 22. 22.  
Jud. 10. 11.

3. From the Apostle Pauls practise, *2 Cor. 1. 18, 23. But as God is true. Moreover, I call God to record on my soul, and Phil. 1. 8. God is my witness,* which are strong *Affirmations and Obtestations* and more then *yea* and *ay*, if not a *Real Oath*, as most expositors judge.

4. Consider the propheticall Scriptures that speak of swearing, *Isa. 45. 23. Unto me (saith the Lord) every tongue shall swear,* applied *Rom. 14. 11. and Isa. 65. 16. And he that sweareth in the Earth, shall swear by the God of Truth;* which Scripture also relates to Gospel-dayes, if you compare the first and second Verses of that Chapter with *Rom. 10. 20, 21.* see also *Psal. 63. 11. Jer. 12. 16.*

5. If swearing were utterly unlawful in the days of the Gospel then Christ came to destroy the moral law (part of which was lawful swearing, included as is shewed before in the third Commandment) but Christ came not to destroy the moral law or any of the ten Commandments as he himselfe saith, *Matth. 5. 7, 18. and Paul* long after affirms that the law did continue in force, *1 Tim. 1. 9. Rom. 7. 12. If it be said that the law is of force to unbelievers, but not to believers, for they are dead to the law; That is true, in respect of the condemning part of it, or as it is a Covenant of works, so they are dead to it: but believers are still under the Commanding part of it, and as it is handed and delivered unto them by Christ, see Rom. 13. 9. 2 Cor. 9. 21. Ephes. 6. 2, 21. If it be again Objected, Then the Seventh day Sabbath is to be observed;*

Let



Let the dissatisfied therein compare *Col. 2. 16.* with *Hos. 2. 11. Exo. 35. 21, 22. Ezek. 43. 26, 27.* and without partiality consider whether the Seventh day was not *Ceremonial* and typed out the rest which believers have in Christ under the Gospel, as well as the land of *Canaan* typed out the rest they are to have with Christ in Heaven, *Heb. 4. 8, 9.* But this is but by the way onely.

*Qu. 4.* Whether Christs words, *swear not at all;* And the Apostles words, *But above all things my brethren swear not,* *Matth. 5. 34. Jam. 5. 12.* (which are the main if not the only *Objection* made against swearing) were intended to forbid all kind of swearing under the Gospel? To that end consider

1. The five Particulars before mentioned under the third Question.

2. Mark well both the places and you will find that the stop and full point is not at the words *not at all*, though I must confess that some *Greek copies* do put the full point after *all* in *Matthew* though our English Bibles doe not but after the word *Throne*, and so after the word *Condemnation* in *James*, implying that *swearing by the Creature* was the thing chiefly forbidden in both places, which was the Jewes common custom, and corruption; For though they counted it a hainous thing to swear (*Chilolah*) by God; yet to swear by the creatures was esteemed a small thing among them: note further, that both these Scriptures were chiefly spoken and written to the Jewes, as appears by *Matth. 4. 25. Jam. 1. 1. called the 12 Tribes.*

3. It is clear likewise from the following words, *Let your Communication be yea, yea, and nay, nay;* and that Christ meant their ordinary swearing, and did not intend to prohibit that lawful Ordinance which was set up amongst them.

4. By comparing the 5. of *Matthew* with chapter 23. it doth more plainly appear, that Christ did but correct that error that was in the Jewes about swearing.

5. If all swearing be forbidden there? why not all judging as well as in *Chap. 7. 1. Judge not.*

6. If Christ had forbidden all swearing there, he had forbidden obedience to his own Law before he had suffered, which

which if it had been but part of the Ceremonial Law would have been in force till his death: and Christ approved of paying Tithes (which I judge was Ceremonial, Lev. 27. 32. Heb. 7. 11, 12. But if any object and say swearing by the creatures, and all such, and vain swearing was forbidden under the Law; For Christ told them, *It hath been said of old time, thou shalt not forswear thyself: but here Christ forbids more, namely, not to swear at all.* *Ans.* So Christ saith, that it was said by them of old time, *thou shalt not kill, v. 21. and by them of old time, thou shalt not commit Adultery. v. 27.* But I say unto you *whoever is Angry with his brother without a cause shall be in danger of Judgement, and whoever looketh upon a woman to lust after her, he hath committed Adultery with her already in his heart.* Anger, and looking Lustfully upon a Woman were implicitly forbidden of old time, and in the old commandments, and the Saints of God did both so, and before the Law look upon such things to be sinful. See two plain instances thereof, *Eccles. 7. 9. Job 31. 1.* In the same manner what ever swearing was forbidden at this time by Christ, was (as I Judge) forbidden before in the Law; but now Christ clears up the meaning of that Commandment from the false interpretation, of the Jewish Teachers and the sinful practise of the Jews people. And James exhorteth the 12 Tribes to whom he wrot his Epistle, that *above all things,* (or as it is in the Greek, *pro pantón* before all things) *not to swear:* not that swearing was a greater sin then, *Idolatry, Murder, &c.* but because they were most addicted to that, and it is as when a Preacher speaks to his hearers, *above all* marke this word, when he speaks a word that doth in a special manner concern them.

*Obj.* But if any further object and say, *And not all promissory Oaths forbidden here.*

*Ans.* Though the text may look that way and have relation to that in *Numb. 30. 2.* *If a man vow a vow or swear an Oath, he shall not break his word: yet I conceive promissory Oaths, are of the nature of voves and lots, and yet both these were without reprehension used by the Apostles, after the Ascension of Christ, Acts 21. 23. and 1. 26.* But these things I

suppose

suppose are to be voluntary and not compulsory; and it may be said herein as it was said under the Law, *when thou abstainest from vomiting, it shall not be a sin.* *Deut. 23. 22.* supposing an Oath lawful as I judge it is in Gospel daies, yet it being a *holy and religious thing* as well as civil; and that none are to swear save only for Gods Glory or mens good, and in case of necessity, (as David did eat the shewbread) and then in truth and righteousness, and Judgement, and not (as learned Casuists acknowledge) in unlawful, impossible, unknown, or doubtful things: likewise considering the great sin of rash and false swearing, and the sore punishment of those that break their Oaths, 1 Sam. 19. 6. 2 Chro. 36. 15. Ezek. 17. 17, 18. Zach 5. 4. It is further proposed.

Qu. 5. Whether it be not a special point of wisdom, and piety in all, seriously to weigh and soberly to inquire into this toleran duty of swearing; *what Oaths they take, for what things, in what manner, and to what end they Swear?* seeing it is a *swear to the man who devoureth that which is holy, and afterward makes inquiry.* Pro. 20. 25,

And whereas some wife and good men plead so confidently for, such (Oaths and others doe as they conceive upon as good ground scruple them) it is further propounded to such in special manner, and they are desired when they write next to answer these following Proposals, which are really scrupled by many, especially by the Author of them.

Qu. 6. Whether the following differences be not between the Oaths and Covenants formerly entered into by the people of Israel (which are now urged for our Example) and the Oaths imposed at this time in this Nation? As,

1. In the Oath which Jebojadab gave and the people took, *The King and the people swore to be the Lords people,* as is clear 2 Kings 11. 4. and 2 Chro. 23. 3, 16. Likewise the Oath which Ezra and Nehemiah did enjoin, was to put away evil from among them, (as the strange wives which they had married contrary to the Commandment of the Lord) and to restore unto the poor people their Lands, Vineyards, Oliveyards, and houses: also that they would walk in Gods law, which was given by Moses the servant of God, and to doe all the Commandments

Ecclef. 5. 1. 2.  
As B. Andrews writes on the third Commandment. Jer. 42.

The breach of that Oath made to the Gibeonites though 300. years before was punished, Josh. 9. 10, 19, 20. compared with 2 Sam. 21. 1.

dements of the Lord, and his Judgements and Statutes, and that they would not give their Daughters unto their Sons, nor take their Daughters unto their Sons, or for themselves. So the Covenant that was made in *Assa* time was to seek the Lord God of their Fathers with all their hearts, and with all their soul: that whosoever would not seek the Lord God of Israel should be put to death, whether small or great, whether man or woman. And they sware unto the Lord, and these Oaths were rather to the Lord and for him, then to and for the Rulers. And it would become you that plead so much for the poor Peasants swearing fealty, and loyalty to Rulers, to use your pens and parts to provoke them to such a Reformation as this: which would move men sooner to swear or promise all due Allegiance then all their imprisonments and punishments or your Arguments.

2. Most of those Oaths were reciprocal and mutually made. The Kings did swear to the people as well as the people to them: For instance, King David made a league with them in Hebron before the Lord. In the same manner it is said; That Jehoadah made a Covenant between the King also and the people; yea and at that same time too: Nay, the King did (in Order) first swear to the people; and this is like Gods way of entring into Covenant with or swearing to his people.
- 2 Sam. 5. 3.  
2 Chron. 23. 3.  
Ezek 16. 8.  
Hof. 2. 19. 20.

Obj. 2. If you will Object and say what advantage is that? I answer with the Apostle much every way: For

1. Thereby we shall know what the King will swear to, and if it be according to the word of the Lord it will encourage the Subjects the rather in their duty (this likewise was and is the practice of most other Nations as well as the Jewes) and was the ancient (if not constant) custome of this Nation till now.

2: In all mutual Oaths and Inagagements, (as is generally held by the Learned) if one party break his promise or condition, the other party is *ipso facto* dissolved from his promise and condition, as appears clearly from the mouth of Christ, that Lawgiver in the highest case of that kind, which is the Covenant between man and wife; For if either of them did commit Adultery the other might give an absolute Bill of divorce

divorce to the offender and so he was free (though not to marry another) from his *promise* and from that *person*.

3. It appears that the Elders onely (in their own and their peoples names) did make the Covenant with or swore unto David; so all the Elders came to the King to Hebron, and King David made a League with them in Hebron. If it be said that Jebiadaab made a covenant between the King, and all the people: I Answer, by all the people seems to be meant all the Congregation, and by both not every individual person, but the Priests, Levites and the chiefe of the Fathers of Israel who came to Jerusalem about that thing. But suppose that all the people or the generality of them were gathered to that end, yet they might (and it seems did) by some of the chiefe of them (as the Rulers, Priests, and Levites.) in the name of all, and in so doing they might be said to do it, as the people by their Representatives in Parliament do; and why may not they as well enter into a Covenant with the King in the behalf of Nation, as they the make Laws and repeal them in their Names.

<sup>2</sup> Sam. 5. 3.  
<sup>1</sup> Chro. 11. 43.

<sup>2</sup> Chro. 23. 1. 2.  
<sup>3</sup>.

4. The Oaths or Engagements that were then made between the Kings and the people were upon emergent and very weighty occasions: (and doubtlesse the Oaths of Supremacy, and Allegiance were so too at first,) and not put as any standing Rule, neither was there as doth appear any formal or written Oath, nor any such custome as every Man (much lesse every woman as our laws bind) to take a personal Oath to the King, but it was rather a general consent of the body of the people.

Namely, the Oath of Allegiance, 7th of K. James, c. 6.

The last refusal of the O. of Supremacy is Treason, and of the O. of Allegiance a Premunire; that is, forfeiture of estate, and perpetual imprisonment. The third Edition, p. 331, 332.

5. Those Oaths (mentioned in Scripture between the Kings and their subjects) were Voluntary Engagements, and not imposed, unless that by Nehemiah (which was a Covenant like that in our Nation 1644.) upon any such penalty. And this forced Obedience, or Religion (for this is a part thereof) is neither according to the Law nor Gospel of God, as hath been heretofore proved at large & of late excellently by two Episcopal Learned men, viz. Mr. Alexander Ross who in his explanation or supplement to his translation of *Wolebbi* gives 15. Reasons against it; another writes a whole and excellent small Tract to that purpose onely. This also agrees

A Book called *The great question concerning things indifferent, &c.*

with those true actions. *quicquid agitur, agitur voluntarie et voluntas non potest cogi, what is done is done voluntarily, and the will cannot be forced.*

6. The Subjects entered into such Oaths & Ingeniculations only at the Kings Coronation day, or when the Kings were anointed, and neither before nor after, as in Scripture appears: See 2 Sam. 5. 3. and 1 Chron. 11. 3. David made a Covenant with them in Hebron before the Lord, and Anointed him, the like of Joashs Oath, what other Oaths past between particular persons as David & Jonathan or Saul & David, is not considerable herein.

Obj. If any will object, but Saul put an Oath upon all his Souldiers. Let such take Jonathans opinion of that Oath: Then said Jonathan, my Father hath troubled the land, meaning by that Oath.

1 Sam. 14. 29.

Q. 7. Whether all that are enjoined to take the Oaths of Supremacy and Allegiance can take them or swear according (as God requires) in Truth, in Righteousnesse, and in Judgement. And whether many above 18. years of Age men as well as women (and yet women are enjoyn'd to take the last) may not be altogether ignorant of the nature of an Oath, and many others (as well some civil Officers as Ecclesiastical persons) ignorant of some things in the Oath of Supremacy, and if they swear not in Judgement is it not sinful and dangerous both to them that take such Oaths, and likewise to those that do impose them? and do not they (as a learned man saith) profane and provoke the name of the Lord thereby. And now to come to the Oaths themselves, it is desired that those that print so much for them, and presse others so much to them, would be pleased to resolve the doubtful in these following questions.

Q. 8. Whether can you absolutely, positively, and really as you will answer Jesus Christ at his appearing, affirm that there is nothing in either of these two Oaths contrary to the Law of God, or any lawful Protestations, Vowes, Covenants, or Engagements which the people have formerly taken: nor any thing tending to maintain any superstition in matters of Gods service and worship, nor any oppression whatsoever? And if there be any thing contrary, whether will you undertake to prove that those that tooke them are freed from them? Q. 9.

Jer. 4. 2.



Q. 9. Whether it be *safe* and *warrantable* to certify and declare that a *King*, or any other chief Magistrate is *suprem* \* Governour of this Realm, and of all other *his Highness Dominions* and Countries as well in all spiritual or Ecclesiastical things, or causes, as temporal. Consider

\* Or as it is in the Stat. of the 39. of *Eliza.* Head of the Churches of England and Ireland.

1. Whether this be not derogatory to Christ his Church and Ministers, for he *primarily* and *immediately* hath the rule and Government in and over his Church, or Churches in whose Dominions soever they be; *Isa.* 33. 22, and 9. 6; *Ezek.* 34. 23, 24. *Zuch.* 11. 10, 11. *Mal.* 3. 31. *Mat.* 28. 18, 19. *John* 5. 27. *Eph.* 1. 21, 22, 23. *Col.* 1. 18. *Jam.* 4. 12. and his Church and Ministers under him; *Mat.* 16. 18, 19. and 18. 18, 19. 1 *Cor.* 5. 4, 5. *Joh.* 20. 23. *Rom.* 12. 8. 1 *Cor.* 12. 27, 28. *Eph.* 4. 11, 12. *Heb.* 13. 17.

2. Whether the admonition annexed to the Queens Injunction or the 37. Article of the Church of England doth save this fore, and satisfie this scruple? since that they still reserve and challenge to themselves the same power which King Henry the Eighth challenged before, and what was that lest then what the Pope challenged and exercised before? nor is it enough do they not asseure the power of ministering Gods Words or the Sacraments, neither did or do any of the Popish Princes (nor I suppose the Pope himself) practice that: neither doth that convince at all, that they claim no other power, then the Princes in holy Scripture had, which Mr. T. grants them in page 16. 17. of his Book, which I see not how he can doe unless he will allow a *National Church*, and that there be *infallible* and *extraordinary Prophets* to direct them what to doe as they had under the Law. But let Mr. T. resolve himself and others (if he can) concerning those Acts made in the 23. and 35. of *Elizabeth* for conforming to the Book of Common prayer and other Rites and against Conventicles, which bear date (unless I am deceived) many years after that Admonition, by which you may see what power other Kings since do Claim and Exercise.

Q. 10. Whether there be any ground in Scripture to swear to a Kings Heirs and Successors before they are known, or it may be, born; for who can tell, as Solomon saith, Whether

**Ecc. 2. 18, 19.** *a wiseman or a fool shall be after him ?* And if it hapned to such a wiseman as Solomon was to have such a son as Rehoboam, It may possibly be other Kings may beget not fools, but dumb or mad sons, who may not be fit to rule a Kingdome, and yet we must swear to him, nay if the Heir be a Daughter: and sure it is a great Question among Learned and Rational men (though God blessed some of them as Queen Elizabeth like Deborah even to admiration in her Government) whether the femal Sex or women should rule in such a high place which is a judgement threatned, that women should rule over them and yet we are bound and sworn to them if there be no Heirs male. Nay in the Oath of Allegiance, we are to swear to his Successors bethey lawful or unlawful (for the word lawful is not at all in that Oath) and what if the Turk or any other Anti-Christian Adversary should Conquer the Nations, are we by this Oath bound to them as Successors?

**Esay 3. 12.**  
Whether Women indeed,  
or men of effeminate spirits  
like women.

**Obj.** *If it be Objected that Abraham and Abimelecks Oaths extended to their Children, and that Saul required of David to swear to him that he would not destroy his children ?*

**Ans.** That yet their children were born and in being before, and the case was far different from this as in many things might be shewed.

**Q. 11.** Whether any man can without some additional or explanatory words (as for ought I know in my judgement or as I suppose) swear, *That the Kings Highnesse is the onely Supreme Governour of this Realm, &c.* (though a man doth not gainsay it,) as it is in the Oath of Supremacy, or lawfull and rightful King of this Realm, and of all other his Majesties Dominions, as it is in the Oath of Allegiance: For who can swear or will be required to swear that he that is the nearest relation or neighbour is the onely and true Heir of his Estate which yet he knows far better then the other. And whereas it is further said and sworn in the Oath of Supremacy, *That we shall assist and defend all jurisdictions, priviledges, prebeminences and Authorities granted or belonging to the Kings Highnesse.*

**Q. 12.** The next Question is then, Whether all that are enjoyned to take the *Oath of Supremacy* do understand the extent of those *four Words*. Nay whether those *learned men*, viz. *M. T. Mr. N. and others*, who writ for the taking of the *Oath* do understand it themselves? if they doe, It is *bumbly desired* that they would help us that do not, to understand them; if they doe not, It is *heartily desired* they would neither by their *VVords* nor *Example* draw honest and simple people to this snare, as some did many to make *Addresses* to the *Protectors* formerly. To whom many or most that now scruple these *Oaths* did never *addresse* nor *acknowledge* their Power to be lawfull.

**Q. 13.** Whether the *Laws* and *Lawyers* do not make it part of the *Kings Jurisdiction* to Ordain and make *Archbishops*, *Bishops*, *Deans*, &c. and that the collating, *preferring* and appointing of them to their *Bishopricks* & *Deanries* is by *Authority* and *Licence* from the *King*? See the *Statute* made in the first year of *Edward the 6.* Chap. 2. and the *Statute* made in the 39. of *Elizabeth*, Chap. 8. and in *Cooke, De jure Ecclesiastico*. In the first of these it is said, *That all Authority of jurisdiction spiritual and temporal is derived and deduced from the Kings Majesty as Supreme Head of these Churches of England and Ireland*. If it be thus, I would ask those *Learned men* whether the taking of this *Oath* doth not bind the *Takers* thereof to maintain the *Archbishops*, *Bishops*, *Deans*, &c. and their *Government*, and power, since they and their *Office*, *Power*, *Place*, *Courts*, &c. are derived from the *Kings Jurisdiction* and *Authority*.

**Obj.** If it be *Objected* that the *Collating* or *conferring* of their places upon them is only from the *King*. This is just as some *learned Presbyterians* do affirm, that the *Bishop* ordains as a *Presbyter* and not as a *Bishop*; whereas the *Bishops* by *Word*, *Writing* and *Practice*, do claim the sole power of *Ordination* to themselves. Why then hath a *learned London-Presbyter* lately (who formerly did *Act* with others in *Ordaining Ministers*) *prostitute himself upon his knees in a private Chamber*, to receive *Benediction* or *Ordination* from a *Bishop*? (none being so much as witness, but the godly *Mrs.* of the house,

house, who was looking on through the Keyhole; But if this be true (as the Bishop doth not deny it) I shall question whether the learned Gentleman that not long since published *Smectymnium* did that *Ex animo*. If it be not true he will do well to purge himself for that *Action*, neither such as with violating the Covenant nor any good works in *favour*. *Verb. sat sapientii.*

Q. 14. Whether those words in the end of the Oaths, as in the Oath of Supremacy by the contents of this book and in the Oath of Allegiance, upon the true faith of a Christian, be no part of the Oaths (as the conclusion of the Lords Prayer is part of the prayer it self) and if so whether to use them and to swear thereby be not to swear by the Creature? and whether the form of swearing among us by laying the hand on the book and kissing the book be not a Popish custom? rather then according to the form used by the Saints in former Ages. Gen. 22. 16, 24, 33. Judg. 11. 10. Rom. 1. 9. and 9. 1. 2 Cor. 1. 18, 23. Phil. 1. 8. Rev. 10. 6.

Q. 15. How can men say that they make that Recognition heartily, willingly, and truly, when they do it as unwillingly, as many Anti-Presbyterians took the Covenant in Scotland; or Royalists the Engagement against King or House of Lords, or like the Oath imposed by saul upon the people, hindring them to meddle with the honey though their hearts greatly longed for the same?

1 Sam 14. 24.

Q. 16. Whether such Oaths as have no Engagement to God, or for God, or for setting up of reformation according to his word (as those Oaths in 2 Kin 11. 16. 2 Chro. 15. 14. Neh. 10. 29. 2 Chro. 34. 31, 32, 33.) be warrantable from Scripture, and whether both or either of these Oaths be such?

Q. 17. Whether the taking of any Oath ignorantly, (either when a man doth not understand the nature of an Oath in it self, or not know certainly the truth of what he swears) or doubtfully, be not a sin in him that swears, and likewise in him that imposes the same?

Rom. 14. 23.

Q. 18. Whether the two Oaths, (viz. of Supremacy and Allegiance) were not chiefly intended and made against Papists? as may appear by the time when and occasions why they were made

made and imposed, viz. The first of them in the first year of Queen Elizabeth when the Nation was coming out of Popery, and the other in the third year of King James: The Act is self-evident in that Oath is being called, *an Act for the discovering and suppressing of Popish recusants*.

Q. 19. Whether these Oaths have been or are imposed upon any Papist, or whether there were or are one of them for a thousand of others (if any one at all) in any of the prisons throughout the Nation: And those have liberty in all Counties to go to their private houses without restraint, and are in High-places of power Civil and Military without taking them. Nay a great Papist about the end of Jan. last being at dinner where an acquaintance of his saying, that he feared the imposing of the Oath of Supremacy, The Papist answered him he could send him where he should have a ticket that would free him from that Oath: *It may be the poor sheep have the letter in that for the Goats sake*.

Q. 20. Whether doth not this Nation lie under much present guilt of breaking Oaths, Vows, and Engagements for which the Lord may move and the wrath of God break out; and whether that the Kings wisdom and wisdom together with the Duke of Albemarle's Council to the Parliament in March last, concerning swearing be not a good Caution to others to be wary therein likewise.

Q. 21. Whether the people of these Nations that have broken to many oaths already, as first (as is judged by some) their Allegiance to the King, then their Vow and Covenant, after that their Engagement? if any alteration should prove in the Nation would sick to break their Oath again? Since that of late men teach by word and writing how men may pervert and recede from such Oaths: And this I know that some eminent men that have taken the Oaths, take them as directly opposite to the power of the Pope, and they do judge themselves no further or longer bound to keep them then that Popery is opposed? did T.

Q. 22. Whether should the same and make conscience of an Oath may not be as Loyal & Obedient subjects as those that take one while one kind of Oath for one Power, and another while

An eminent godly sober Preacher that was at the Table heard this who related it to me about three dayes after.

Jer. 23. 10.

while a direct contrary Oath for another Power; & those that swear many Oaths daily without any fear, care, or conscience.

Q. 23. Whether the imposing of the Oaths upon some and not on all be not partiality, and whether to imprison such as doth not argue fear, and whether fear doth not suppose guilt, and Guilt bring punishments unavoidable; however men seek by such means to prevent it.

Q. 24. Whether those men that are so much for the ancient Fathers and Doctors of the Church should not a little for their sakes bear with those that were of the same judgement in this point, as Chrysostome, Jerome, Theophylact, with many others, that held that God did permit such Oaths under the Law, but did altogether forbid the same under the Gospel, and that Christians Words should be as good as their Oaths.

Q. 25. Whether many of the Magistrates of this Nation do not abuse this solemn Ordinance and pervert the Law of the Nation? As for Example,

1. When the simple people in some Countries by six and ten at once are forced (without so much as hearing the Oath read) to take their Oaths by laying their hands on, and kissing the Book, and paying two pence, three pence (or six pence some of them) for their Tickets or Certificates, which having done they return rejoicing and crying they have sworn for the King and against the Fanaticks, (or such words) not understanding what they say or doe.

2. Sometimes one single Justice of the Peace forcing the Oath upon people, whereas there should be two at least, whereof one of the Quorum; see the third of King James Chap. 4.

3. They force some under 18 years of Age, contrary to the Statute, to take it or imprison them: Nay, a Magistrate of one of the highest Places in the Nation did publicly say to one, who is now in prison, He would make him take the Oath if he were but twelve years of age. This Gentleman understands what belongs to sword, fire and faggot, better then the Law.

4. To impose the Oath of Supremacy upon Ordinary and Com-



Common people, which are neither in *Civil* nor *Ecclesiastical* Places or Employments, which is contrary to the Statute of the first of *Elizabeth*.

5. *Civill Magistrates* imposing the Oaths upon *Ministers*, whereas both in the Statute of the 7. of *King James*, Chap. 4. and in the first of *Elizabeth*, the *Arch-B. Bish.* or his *Ordinary* should give it to such, if any be so wise to take it from them.

6. To force people in some places to fall upon their knees to take them.

Lastly, In forcing people to take the Oath of *Allegiance* divers times, as some that took the Oath in *London* lately, and had their certificats under the hands and seales of two Justices of the Peace; yet in the *Countries* they had their certificats taken from them, & they were forced to take the same again; whereas if the Oath of *Allegiance* be once taken, a man is not bound to take it againe during his life: as the Judges at *Westminster* (after a long debate) determined in *Calvins* case, see the 12 of *Hen. 7th.* fol. 18. the like should be in the Oath of *supremacy*, unlesse after a *deshyning* and relapsing to *Popery*, upon their returning it might be necessary to renew it.

Q. 26. Whether those that subscribed the *Engagement* for a *Common-wealth*, and made *Addressess* since to both the *Protectors*? and have acted vigorously for and under them, and written for their Defence (as three or four eminent *Preachers* who are now complying have done, who are known without being nam'd) will not be judged by most to be *Time-servers* and *Flatterers*, or that at least they offer this *suspected piece of Loyalty* as a *Peace-offering* to their Prince.

And likewise whether it will not be suspected, that fear of the rigour of the Law, rather than hearty-submission, makes many *Commanders*, *Souldiers* and others to take the present enjoyned Oath or Oaths? And whether they do intend really to their power to assist and defend all *Jurisdictions*, *Priviledges*, *Prebeminencies* and *Authorities* graunted or belonging to the *Kings Highness* his *Heirs* and *Successors*, &c. \* Or that they will defend the *Kings Majesty*, and his *Heirs* and *Successors* against all attempts and conspiracies whatsoever, \* If

\* As it is in the Oath of *Supremacy*.  
\* As it is in the Oath of *Allegiance*.

they do not intend so to do it is plain perjury, as Mr. Perkins and others shew in their *Cases of Conscience*: to swear a thing they intend not to do. Take heed of that Jesuitical maxime, *Jurave sed mentem injuratum geris*, i.e. though I have sworn, yet I carry a mind unsworn. I will end these *Queries* with one hearty *Proposal* more, That the King, the next Parliament, and all the People in the three Nations, may either renew our *Solemn Vow and Covenant*, or enter into a good sound, substantial Covenant and Oath against the Pope and Popery, against Arminian Heresie, against Prelatical Innovations, and against all profaneness, oppression and persecution: and to walk after the Lord, and to keep his Commandments, Testimonies and his Statutes, &c. and to cause all the People to stand to it as *Josiah* did.

**The form of the Submission in the 35. of Eliz.**  
**Chap. I. Called the punishment of Persons**  
**Obstinately refusing to come to the Church,**  
**and perswading to Impugne the Queens**  
**Authority in Ecclesiasticall Causes.**

\* These words in Italique letters are not in the Submission of the Popish-Recusants. The words following, are in the Popish Recusants submission, which are not in this. † The Bishop or See of Rome.

\* Or within her Majesties Realm or Dominions.

*I A B* do humbly confesse and acknowledge that I have grievously offended God in controuling her Majesties Godly and lawful Government and Authority by absenting my self from Church and from hearing Divine Service contrary to the godly Laws and Statutes of this Realm; And \* in using and frequenting disordered and unlawful Conventicles and Assemblies under pretence and colour of exercise of Religion; I am heartily sorry for the same, and doe acknowledge and testifie in my conscience that † no other person hath or ought to have any power or Authority over her Majesty, \* and I doe promise and protest without any dissimulation, or any colour or means of dispensation, that from henceforth I will from time to time obey and perform her Majesties Laws and Statutes, in repairing to the Church and hearing Divine Service, and do my uttermost endeavour to maintaine and defend the same.

If you subscribe this Submission,

1. That you acknowledge, the *publick* or *Parish* house to be a *Church* (which cannot be properly called so) and the book of Common-prayer, *Divine Service*, which is but *Humane service*.

2. That you account those to be godly *Lawes* and *statutes* which enjoyne you to come to your *parish Church* (so called) and forbid you to go to *private meetings*, which is to call good evil and evil good.

Consider 3. That hereby you account the *Christian meetings* unlawful *Conventicles* and *Assemblies*: and so you condemn *Christ* and his *Apostles* and *Churches* who in *all Ages* practised the same.

4. That thereby you also condemn your selves to have *sinful* and *by-ends* in those meetings; as that you did what you did therein, *under pretence* and colour of exercise of Religion and not really.

5. That you repent for doing good, or are *heartily sorry* for the same; that is, for frequenting private meetings, and performing *Christian Duties* therein.

6. That you do *promise* and *engage*, not onely to go to *false worship*, (for the time to come) but also to *maintain* it also.

This Submission is like the Submission or Recantation of Francis Spira: let all such therefore, that are tempted hereto, avoid the same lest it befall them as it befell him.

The Form of the Oath of Abjuration in the Statute of the 35. of Q. Elizabeth, Chap. 2.

**Y**ou shall swear that you will depart out of this Realm of England, and out of all other the Queens Majesties Dominions; and that you shall not return hither or come again into any of her Majesties Dominions, but by the License of our said Sovereign Lady the Queen or of her Heirs. So help you God.

Note :

Note: That such as are to have this Oath Imposed upon them, Are

1. Popish convicted Recusants.
2. Such as have not 20 Marks *per annum*, or 40 l. in Goods.
3. Such as shall not repair to their place of usual dwelling, &c. or shall afterwards remove 5 Miles from the same, &c.
4. This is also after he is Apprehended, and shall not conform himself within three Months.

Then any two Justices of the Peace, may require such an Offender to take this Oath: and if he breaks it, it is Felony. From which I shall infer no more then this one *Proposall*. Whether it be just and agreeable to this Law, to inflict this punishment upon those that are no Popish Recusants (as it is lately done upon \* one in *Bedfordshire* and threatened to be done upon many others) and to omit the putting this and other Laws in Execution against *Popish Recusants*?

\* John Dymon.

The reason why the Author hath conceal'd his Name, is for publick Advantage, and not out of any fear, by resolving in the strength of Christ to bwn. and stand by much more then what is here agreeable to his light and conscience. And the Cause why this weighty subject is so briefly proposed and discussed herein, is either because the Author intended that this should be comprehended in one Sheet, or because of other Reasons mentioned in the brief prefix'd Epistle.

FINIS.



